



**STATE OF MONTANA
SECRETARY OF STATE'S OFFICE
JOB PROFILE AND EVALUATION**

SECTION I - Identification

Working Title: Compliance Technician

Department: Secretary of State

Class Code Number: 434314

Division: Business Services Division

Class Code Title: License Permit Technician

Section/ Unit: Compliance Unit

Pay Band: 4

Work Address:

1301 E 6th Ave.
Helena, MT 59601

Position Number: 66014, 66016, 66036,
66050, **66029**

Phone: 444-3665

☐ FLSA Exempt

☒ FLSA Non-Exempt

Profile Completed By: Tana Gormely

Work Phone: 444-2896

Work Unit Mission Statement or Functional Description:

The Secretary of State is one of six executive branch officers originally designated by the Montana Constitution of 1889. The duties of the secretary of state include: interpreting state election laws and overseeing elections; maintaining the official records of the executive branch and the acts of the legislature; reviewing, maintaining, and distributing public-interest records of businesses and nonprofit organizations; filing, publishing, and maintaining administrative rules adopted by state departments, boards and agencies; attesting to the governor's signature on executive orders, proclamations, resolutions, extradition papers, and appointments; preserving the state seal; filing and maintaining records of secured financial transactions, such as liens; serving on the state Board of Land Commissioners and the Board of Examiners; and commissioning notaries public. The Secretary of State's Office is divided into four Divisions: Elections, Business Services, Management Services and Administrative Rules, and Records Management.

The Business Services Division's mission is to serve the business community of Montana and other states and countries by ensuring the accurate and efficient filing, retention, and certification of business documents. The Secretary of State's Office works for and with its customers, continuously striving to improve service. Our office strives to provide responsive and responsible service to our customers with a commitment to continuous improvement, new ideas, and innovative approaches.

Business Services staff discharge the duties of the Secretary of State to provide a central processing and evaluation point for business registrations. The staff reviews, approves, maintains, and distributes records of business and non-profit organizations.

Describe the Job's Overall Purpose:

Reviews business registration documents to make final determination of compliance with statutory requirements in Title 7, Title 15, Title 19, Title 32, Title 33, Title 30, Title 35, Title 61, Title 69, Title 75, Title 76, Title 80, Title 82 and Title 85 MCA and the administrative regulations set forth in Title 44, chapter 5 ARM. Specifically, review and final determination made by this position results in acceptance or rejection of registration, renewal, amendment, reinstatement, authority and miscellaneous business filings for Profit and Non-Profit Corporations, Limited Liability Companies, Limited Partnerships, Limited Liability Partnerships, Assumed Business Names, and Trademarks. The filing of business documents protects the entities name and provides the business entity the authority to transact business in the State of Montana under that business name. The rejection of these business documents may result in a delay in entities transacting business in the State, which may in turn have a negative economic impact to the State. Prepares correspondence to applicant which details incorrect or absent information and provides for corrections. Provides verbal guidance to customers over telephone and in person regarding business filing procedures to ensure compliance with the above-referenced laws and regulations.

SECTION II - Major Duties or Responsibilities

% of Time

A. Compliance Corporate Documents

65%

Determines and certifies the accuracy and completion of business entity documents based on SOS policies and rules. Ensures all documents are in compliance with MCA using knowledge of a variety of business filings and transactions including articles of organization, documents of incorporation, merger activities, assumed business names, trademarks, and partnerships. This duty also requires knowledge of Title 44 of ARM, Titles 7, 15, 19, 32, 30, 35, 61, 69, 75, 76, 80, 82 and 85 MCA, and the SOS history of filing policies, certifies to the public and to a court of law that the documents contained in the SOS office are current and complete.

1. Reviews information provided on business entity documents to identify filing type and reviews statutory requirements for compliance with criteria in MCA. This involves research and analysis of terms, business requirements, name availability, and other details specific to each business entity. Determines if business name is unique and distinguishable based on statute and policies.

2. Evaluates all information submitted for compliance with Title 30 and 35 MCA. Certification of business documents is dependent on businesses providing complete and correct information that satisfies over one hundred requirements outlined in Title 44 of ARM, Titles 7, 15, 19, 32, 30, 35, 61, 69, 75, 76, 80, 82 and 85 MCA. Considers such variables as the structure of a business organization; the inclusion of officers, directors, members, managers and partners; the length of time in business; the number and value of shares offered; the type of business; the designations of authority, etc. Analyzes changes in any information to determine if requested action can be accomplished within legal framework, and to ensure compliance with Title 44 of ARM, Titles 7, 15, 19, 32, 30, 35, 61, 69, 75, 76, 80, 82 and 85, MCA.

3. Conducts further review of business documents as needed to identify deficiencies. Reviews documents for completeness based on knowledge of MCA, Titles Title 44 of ARM, Titles 7, 15, 19, 32, 30, 35, 61, 69, 75, 76, 80, 82 and 85, MCA and of the SOS history of filing policies, and certifies that documents contained in the SOS office are current and complete. Confirms or rejects business filings and provides guidance and assistance concerning documents submitted. Explains to customers the nature of requirements and criteria for business filings, assists customers to restore

their business to good standing, and steps to take when good standing is jeopardized for failure to register, renew, or amend their business documents.

4. Assesses fees for documents meeting all statutory and policy requirements. This requires knowledge of applicable administrative rules and the SOS database used for electronic storage of business filings. Provides priority assistance including compliance review and certification when urgency is requested. Enters document information into corporate database using knowledge of what data is required, and understanding of the system functions, and the various code types found in statute.

5. Drafts a confirmation letter to each business entity to inform customer of filing status. Includes company name, submitter information, and a wide variety of specific information related to the business and the action requested.

6. Reviews merger documents involving two or more business entities that may be foreign or domestic, and ensures plan of merger includes requirements (found in Title 35, MCA) including; terms and conditions or manner and basis of converting the shares of each corporation into shares, obligations or securities; the manner and basis of converting memberships of each public benefit or religious corporation into memberships of the surviving corporation into cash or other property; statements that shareholder approval was or was not required and votes for or against the merger; appropriate signatures based on type of entities involved in merger, and a variety of other statements, plans or documentation.

B. Customer Service

30%

Using specialized knowledge of the principals and processes of customer service, provides assistance to businesses that enables them to remain active and in good standing with SOS so they are authorized to transact business within the state by:

1. Drafting correspondence that informs customers of incorrect or incomplete information that does not satisfy statutory requirements;
2. Providing guidance on how to correct or complete business documents;
3. Providing guidance over telephone and in person regarding completion of business registration documents along with responding to inquiries of currently registered businesses;
4. Providing information in workshop settings to assist business registration customers.

C. Other Duties as Assigned

5%

This position performs a variety of other duties as assigned by the supervisor in support of the agency mission and work unit objectives. This includes exchanging information with agency staff and the public; providing professional assistance; participate on special projects as assigned; participating in ongoing training and educational programs; and performing a variety of other duties as assigned.

1. Give specific examples of the types of problems solved, decisions made or procedures followed when performing the most frequent duties.

Each business in Montana is unique in the manner in which they organize, in the structure of their organization, in the inclusion of officers, directors, members, managers and partners, in the length of time they do business, in the number and value of shares offered, in the type of business they are in, and in the designations of authority they provide. The Compliance Officer has to maintain a

broad knowledge of the business registration laws and apply it to each unique business registration document that is presented. There are currently over 150,000 active business files in the Secretary of State's Office.

With the above in mind, the Compliance Officer analyzes each business filing with a goal of certifying that all information presented meets the requirements of the law. As part of that process the Compliance Officer advises business filers, confirms or rejects filing documents, and provides guidance to businesses regarding their document filings. In addition, the Compliance Officer analyzes laws and procedures to determine where changes are needed in order to provide better customer service and improved compliance.

In the course of performing their duties, the Compliance Officer:

- a. Explains the document files for each corporation to people with very little understanding of business document filing and to professional attorneys, CPA's and bankers.
- b. Prevents businesses from being closed down because they have not registered their business. For example, customers call with an urgent need to demonstrate that their business is in good standing because the bank will not give them a loan or because they have been told by an enforcement agency that their business will be closed because it is not in good standing with the SOS office. Compliance Officers provide guidance to the customer to restore their business to good standing.
- c. Advises businesses on steps they need to take when their "good standing" is jeopardized for failure to register, renew, or amend their business documents. Compliance Officers have no authority other than providing official certification of current standing.
- d. Provides priority assistance including compliance review and certification when there is an urgent need for businesses to register. **Customers request and pay for priority (within 24 or one hour processing).**

3. What do you consider the most complicated part of the job?

Filing complicated and difficult to understand documents. Large volumes of work with tight deadlines. Dealing with customers whose range of understanding of business filings is from very little to extremely high. Needing to defend decisions before sometimes argumentative professionals or explain decisions to confused customers.

4. What guidelines, manuals or written established procedures are available to the incumbent?

Titles 7, 15, 19, 32, 30, 35, 61, 69, 75, 76, 80, 82 and 85, Montana Code Annotated,
Title 44 of Administrative Rules,
Legal Opinions,
Training guidelines established by the Secretary of State's Office and
Forms.

5. Which of the duties and/or specific tasks listed under 1. (above) are considered "essential functions" that must be performed by this position (with or without accommodations)?

The following duties are considered essential functions because they require specialized expertise and skill and are the primary reasons the job exists:

Duty A: Compliance Corporate Documents
Duty B: Customer Service

PHYSICAL

- Carry light items (papers, books, small parts)
- Remaining seated for extended periods of time, with occasional walking; standing; bending
- Operating a personal computer
- Communicate in writing, in person, and over the phone

MENTAL

- Deal with the public on a regular basis
- Ability to multi-task
- Demands for accuracy in all aspects of work
- Ability to meet inflexible deadlines
- Computing arithmetic operations
- Comparing data
- Compiling information
- Analyzing, Synthesizing
- Coordinating
- Instructing

6. *Does this position supervise others?* ☐ Yes ☒ No

Number directly supervised: 0

Complexity level of the positions supervised:

Position Number(s) of those supervised:

7. *This position is responsible for:*

- | | | | |
|---|---------------------------------|--------------------------------------|-------------------------------------|
| <input type="checkbox"/> Hiring | <input type="checkbox"/> Firing | <input type="checkbox"/> Supervision | <input type="checkbox"/> Pay Level |
| <input type="checkbox"/> Performance Management | | <input type="checkbox"/> Promotions | <input type="checkbox"/> Discipline |
| <input type="checkbox"/> Other: | | | |

8. *Attach an Organizational Chart.*

SECTION III - Minimum Qualifications - List minimum requirements for the first day of work.

Critical knowledge and skills required for this position:

KNOWLEDGE:

Basic knowledge of a variety of business filings and transactions such as articles of organization, documents of incorporation, merger activities, assumed business names, trademarks, and partnerships, etc; and the ability to learn applicable sections of Title 44 of ARM, Titles 7, 15, 19, 32, 30, 35, 61, 69, 75, 76, 80, 82 and 85 MCA, and the SOS history of filing policies during the training period.

Employee must be proficient on a computer, including typing no fewer than 40 wpm, and have considerable knowledge and experience working with window based applications, including web-based applications.

Employee must have ability to be trained in operating and maintaining office equipment.

Employee should have familiarity with how to find read and interpret state and federal statutes, rules and regulations.

Employee should have the ability to communicate relevant and often complex information to customers.

Employee should have ability to prioritize work and focus on details.

Employee must be able to perform complex procedures and compliance reviews in a very condensed time frame. To perform these duties the employee must be detailed oriented, possess a proficiency and desire to resolve issues on their own.

Employee must have ability to relate daily work to finished product to foresee problems and develop solutions.

Behaviors required to perform these duties?

- **Verbal Communication:** Keeps appropriate individuals informed. Listens to others respectfully, understands or seeks clarification, and responds appropriately demonstrating tact and diplomacy. Expresses thoughts and ideas clearly.
- **Written Communication:** Writes clearly, logically and effectively using proper style, tone, grammar, spelling and punctuation.
- **Flexible at Work:** Responds positively to changes in direction, priorities, responsibilities, personnel or assignments. Works effectively in a variety of situations and with a variety of individuals or groups.
- **Working with Others:** Relates to others in an open and accepting manner; is approachable. Offers and accepts opinions constructively. Adjusts to how individuals and the work unit will react. Treats others with respect. Constructively resolves disagreements. Is open to others' ideas and gives credit and recognition to others.
- **Responsive to Work Needs:** Willing to perform different jobs, cross train, or assist wherever needed. Is aware of co-worker workload and responds accordingly.
- **Takes Action:** Takes effective and appropriate action to perform job duties without being reminded. Willingly accepts more responsibility or more work.
- **Forward Looking:** Suggests improvements and new ideas, technologies, and approaches. Willingly applies new and evolving ideas, methods, designs and technologies to work.
- **Efficiency and Focus:** Uses time effectively and prioritizes tasks. Is aware of workload and makes appropriate adjustments to meet deadlines and complete tasks. Handles interruptions or distractions and stays on task. Achieves goals.
- **Accuracy:** Ensures accuracy of work and makes corrections in a timely manner. Is conscientious and monitors own quality of work.

- **Attendance:** Arrives on time for work and demonstrates good attendance record.
- **Organizational Awareness:** Understands and follows the rules, policies and laws that govern work. Identifies key decision-makers; understands and respects the balance of authority. Acts in an ethical manner.

Education:

Check the one box indicating minimum education requirements for this position for a new employee the first day of work:

- | | |
|--|--|
| <input type="checkbox"/> No education required | <input type="checkbox"/> Related AAS/2-years college/vocational training |
| <input type="checkbox"/> High school diploma or equivalent | <input type="checkbox"/> Related Bachelor's Degree |
| <input checked="" type="checkbox"/> 1-year related college/voc. training | <input type="checkbox"/> Related Master's degree |

Please specify the acceptable and related fields of study: Paralegal or Business Administration, Public Administration or related field.

Required/Acceptable:

Related:

Other education, training, certification, or licensing required (specify):
WORD, Outlook e-mail

Experience:

Check the one box indicating minimum work-related experience requirements for this position for a new employee the first day of work:

- | | |
|---|--|
| <input type="checkbox"/> No prior experience required | <input checked="" type="checkbox"/> 3 to 4 years |
| <input type="checkbox"/> 1 to 2 years | <input type="checkbox"/> 5 or more years |

Other specific experience (optional):

Alternative Qualifications:

This agency will accept alternative methods of obtaining necessary qualifications.

☒ Yes ☐ No

Alternative qualifications include:

SECTION IV – Other Important Job Information

Work is performed in a normal office environment, and the position requires the ability to communicate effectively in person, in writing, and over the phone. Work hours vary in complying with numerous deadlines, customer requests, interruptions and wide fluctuations in

work volumes, and deadlines require the employee to be able to work under pressure for long periods of time.

SECTION V – Signatures

My signature below (typed or hand written) indicates the statements in Section I to IV are accurate and complete.

Employee:

Name: _____ Title: _____

Signature: _____ Date: _____

Immediate Supervisor:

Name: _____ Title: _____

Signature: _____ Date: _____

Deputy:

Name: _____ Title: _____

Signature: _____ Date: _____

Department Designee:

Name: _____ Title: _____

Signature: _____ Date: _____



**STATE OF MONTANA
SECRETARY OF STATE'S OFFICE
JOB EVALUATION**

This section is to be completed by a trained classifier in or contracted by the agency or by the State Personnel Division.

Prepared By: _____ Date: _____

Position Status: ☐ Reclassified ☐ Vacant ☐ New Position ☐ Career Ladder

Choice of Class Series:

Position Summary:

Classification Factor Level:

The predominant work of this position consists of:

Factor level Comparison:

Benchmark Comparisons:

Classification Analyst:

Name: _____ Title: _____

Signature: _____ Date: _____

Agency Approval:

Name: _____ Title: _____

Signature: _____ Date: _____

Upon completion of this section the classifier should make certain that the Job Code Number, Job Code Title and Pay Band on the first page of this document accurately reflect the Choice of Class Series and classification factor level determined above. Attach Organizational Chart, Audit Notes or other pertinent information.

This completed document should now be filed in: I:\Classref\Agencyjp\agency#\filename).
File naming convention is: (position#)jp(date).doc (e.g. 000573jp0100.doc, where date is: month year).